

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**The Minutes**

**September 27, 2004**

At 9:35 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Blease, Associate Justice; Davis, Associate Justice; Robie, Associate Justice; and Rios, bailiff.

**C043508      PACHECO v. PRISON INDUSTRY AUTHORITY et al.**

Cause called. Gaspar R. Garcia II, argued for appellant. Susan R. Denious argued and Stephen E. Horan appeared only for respondents. Cause submitted.

At 9:40 a.m., the court recessed. At 9:44 a.m., the court reconvened with Blease, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.

**C043889      MANDELL v. THE REGENTS OF THE UNIVERSITY OF CALIFORNIA**

Cause called. Dan Siegel argued for appellant. J. Scott Smith argued for respondent. Cause submitted.

At 10:12 a.m., the court recessed. At 10:16 a.m., the court reconvened with Davis, Associate Justice; Nicholson, Associate Justice; and Robie, Associate Justice.

**C044364      ASSOCIATION FOR SENSIBLE DEVELOPMENT AT NORTHSTAR etc. et al.  
v. COUNTY OF PLACER et al. and NORTHSTAR MOUNTAIN PROPERTIES  
etc. et al.**

Cause called. Whitman F. Manley argued and Valeria D. Flood appeared only for appellants. Donald B. Mooney argued for respondents. Cause submitted.

At 10:59 a.m., the court recessed. At 11:04 a.m., the court reconvened with Davis, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.

**C038336      JARRATT et al. v. BACH**

Cause called. Maxim N. Bach appeared In Pro Per as appellant and submitted additional citations. No appearance was made by respondent. Cause submitted.

At 11:20 a.m., the court recessed. At 2:02 p.m., the court reconvened with Blease, Associate Justice; Raye, Associate Justice; and Butz, Associate Justice.

**C044262      CROMAN v. ORTEGA**

Cause called. Mark G. Bonino argued for appellant. Jay-Allen Eisen argued and Todd E. Slaughter appeared only for respondent. Cause submitted.

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**September 27, 2004, continued**

**C044461      THE PEOPLE v. LANGFORD**

Cause called. Madeline McDowell, court appointed counsel, argued for appellant. Lee E. Seale argued for respondent. Cause submitted.

At 2:52 p.m., the court recessed until 9:30 a.m., Monday, October 18, 2004.

**C042562      THE PEOPLE v. PETERSON                      (Not for Publication)**

The judgment is affirmed.

MORRISON, J.

We concur: Scotland, P.J.

Butz, J.

**C042485      THE PEOPLE v. CLARK, JR.                      (Not for Publication)**

THE COURT:

It is ordered that the opinion filed herein on August 27, 2004, be modified as follows:...

...This modification changes the judgment.

Defendant's petition for rehearing is denied.

FOR THE COURT:

SIMS, Acting P.J.

RAYE, J.

MORRISON, J.

**September 28, 2004**

**C041378      THE PEOPLE v. NICKSON                      (Not for Publication)**

The judgment is affirmed.

SCOTLAND, P.J.

I concur: Davis, J.

I concur in the majority opinion with the exception of Part I of the Discussion, where I concur in the result...

Sims, J.

**C042375      THE PEOPLE v. RIVERA                      (Not for Publication)**

The judgment of conviction is affirmed.

BLEASE, Acting P.J.

I concur: Raye, J.

I concur in the opinion with the exception of Part I.B where I concur in the result.                      Sims, J.

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**September 28, 2004, continued**

- C044375      THE PEOPLE v. CARTER et al.      (Not for Publication)**  
The judgments are affirmed. The trial court is directed to amend the abstracts of judgment consistent with part XI of this opinion, and to forward certified copies of the amended abstracts to the Department of Corrections.  
SCOTLAND, P.J.  
We concur:    Sims, J.  
                  Nicholson, J.
- C044937      THE PEOPLE v. TAFOYA      (Not for Publication)**  
The judgment is modified... The trial court is directed to prepare an amended abstract of judgment reflecting this modification and to forward a certified copy of the amended abstract to the Department of Corrections.  
ROBIE, J.  
We concur:    Sims, Acting P.J.  
                  Nicholson, J.
- C045603      THE PEOPLE v. ROJAS      (Not for Publication)**  
The judgment is affirmed.  
SCOTLAND, P.J.  
We concur:    Morrison, J.  
                  Hull, J.
- C045235      In re D.V.; THE PEOPLE v. D.V.      (Not for Publication)**  
The judgment is affirmed.  
NICHOLSON, J.  
We concur:    Blease, Acting P.J.  
                  Raye, J.
- C042559      THE PEOPLE v. HUFTILE**  
BY THE COURT:  
Appellant's petition for rehearing is denied.  
DAVIS, Acting P.J.
- C044445      THE PEOPLE v. SAMPLE**  
BY THE COURT:  
Appellant's petition for rehearing is denied.  
Scotland, P.J.

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**September 28, 2004, continued**

**C044888      THE PEOPLE v. KIRBY**  
BY THE COURT:  
    Appellant's petition for rehearing is denied.  
    DAVIS, Acting P.J.

**September 29, 2004**

**C044382      THE PEOPLE v. LARGENT                      (Not for Publication)**  
    The judgment (minute order and order of probation) is affirmed.  
    BUTZ, J.  
We concur:    Blease, Acting P.J.  
                Morrison, J.

**C043308      THE PEOPLE v. LEE**  
**C043992      THE PEOPLE v. LEE**  
BY THE COURT:  
    On the court's own motion, the above cases are consolidated. The cases are ordered consolidated for all further appellate procedures except that they will retain their respective case numbers. Whenever documents are submitted for filing by the parties, an original must be presented for each case number; however, if copies of documents are required pursuant to the California Rules of Court, the parties need only submit a maximum of four. The cases will be considered for decision together.  
    Appellant Yeng Lee's combined reply brief is due on or before October 25, 2004.  
                SCOTLAND, P.J.

**September 30, 2004**

**C043484      THE PEOPLE v. WILLIAMS                      (Not for Publication)**  
    The judgment is affirmed.  
    HULL, J.  
We concur:    Nicholson, Acting P.J.  
                Raye, J.

**C043575      THE PEOPLE v. ROJAS                      (Not for Publication)**  
    The judgment is affirmed.  
    BLEASE, Acting P.J.  
We concur:    Raye, J.  
                Morrison, J.

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**September 30, 2004, continued**

- C044626      THE PEOPLE v. CHARLES      (Not for Publication)**  
The judgment is affirmed.  
RAYE, Acting P.J.  
We concur: Robie, J.  
Butz, J.
- C044657      THE PEOPLE v. BRIGGS      (Not for Publication)**  
The judgment is affirmed.  
Sims, Acting P.J.  
We concur: Nicholson, J.  
Robie, J.
- C044795      THE PEOPLE v. SCHNEIDER      (Not for Publication)**  
Defendant's conviction on count I for violation of section 399, subdivision (a), is reversed. The judgment is otherwise affirmed. The matter is remanded to the trial court for further proceedings.  
BUTZ, J.  
We concur: Scotland, P.J.  
Blease, J.
- C042204      GOMES v. MONTGOMERY      (Not for Publication)**  
The judgment is affirmed. Appellant shall pay respondents' costs on appeal.  
MORRISON, J.  
We concur: Davis, Acting P.J.  
Nicholson, J.
- C045264      In re M.J., JR., et al.; BUTTE COUNTY CHILDREN'S SERVICES DIVISION v. M.J., SR.      (Not for Publication)**  
The orders of the juvenile court are affirmed.  
MORRISON, J.  
We concur: Scotland, P.J.  
Hull, J.

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**September 30, 2004, continued**

**C045502      SINAIKO v. THE SUPERIOR COURT OF SACRAMENTO COUNTY and  
MEDICAL BOARD OF CALIFORNIA      (Certified for Publication)**

The Board's demurrer to the petition is overruled. The superior court is directed to vacate its judgment denying the petition for writ of administrative mandamus and to enter a new judgment granting the petition and remanding the matter to the Board for further proceedings consistent with this court's opinion. Petitioner shall recover costs on appeal.

RAYE, J.

We concur:    Davis, Acting P.J.  
                 Morrison, J.

**October 1, 2004**

**C044266      THE PEOPLE v. SMITH      (Not for Publication)**

The judgment is affirmed.

Scotland, P.J.

We concur:    Morrison, J.  
                 Hull, J.

**C044563      THE PEOPLE v. BEJARANO      (Not for Publication)**

The judgment is affirmed.

BLEASE, Acting P.J.

We concur:    Nicholson, J.  
                 Raye, J.

**C045102      THE PEOPLE v. PRICE      (Not for Publication)**

The judgment is modified... As modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect this modification, and to forward a certified copy of the amended abstract to the Department of Corrections.

SCOTLAND, P.J.

We concur:    Hull, J.  
                 Butz, J.

**C045552      THE PEOPLE v. HICKS      (Not for Publication)**

The judgment is affirmed.

SCOTLAND, P.J.

We concur:    Morrison, J.  
                 Hull, J.

